
Postsecondary Education & Workforce Committee

HB 1568

Brief Description: Concerning the credentialing of certified health care professionals providing long-term care services.

Sponsors: Representatives Chambers, Tharinger, Schmick, Leavitt, Harris, Klicker, Schmidt, Caldier, Bateman, Christian, Doglio, Lekanoff, Pollet and Macri.

Brief Summary of Bill

- Exempts certain home care aides and nursing assistants whose credentials have expired from late fees or renewal fees.
- Changes training and background check requirements for long-term care workers.
- Extends the period of time allowed for long-term care workers to become home care aides.
- Changes licensing requirements for home care aides and nursing assistants.

Hearing Date: 2/8/23

Staff: Jim Morishima (786-7191).

Background:

I. Long- Term Care Workers.

A long-term care worker is any person who provides paid, hands-on personal care services for

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

the elderly or persons with disabilities, including individual providers of home care services, direct care workers employed by home care agencies, providers of home care services to people with developmental disabilities, direct care workers in assisted-living facilities and adult family homes, and respite care providers.

A. Training Requirements.

Most long-term care workers must meet minimum training requirements within 120 days of their hiring date. The training must be at least 75 hours in length, at least five of which must be completed before the worker may provide care.

B. Home Care Aide Certification.

Most long-term care workers must become certified as home care aides within 200 days of being hired. To become certified as a home care aide, a long-term care worker must complete 75 hours of training, pass a certification examination, and pass state and federal background checks. The examination must include a skills demonstration component.

C. Background Checks.

All long-term care workers must be screened through state and federal background checks to verify that they do not have a history that would disqualify them from working with vulnerable persons. The background checks include a check against the National Sex Offender Registry, to which the state does not have access, and fingerprint checks through the Washington State Patrol and the Federal Bureau of Investigation.

II. Nursing Assistants.

A nursing assistant is a person who assists in the delivery of nursing and nursing-related activities to patients in a health care facility. Nursing assistants work under the direction and supervision of registered nurses or licensed practical nurses.

A nursing assistant may receive a medication assistant endorsement to administer, under registered nurse supervision, certain medications and treatments in a nursing home.

III. License Renewal and Reissuance of Expired Credentials.

Most health professionals licenses are subject to renewal on the licensee's birthday either every year or every two years. The renewal cycle for certified home care aides, nursing assistants, and medication assistant endorsements is one year.

Certain uniform requirements apply whenever a health practitioner allows his or her credential to expire, including the payment of late renewal penalty fees, the payment of renewal fees, and the provision of certain declarations. The requirements become more extensive the longer the

credential has been expired. For example, a person whose credential has expired for over three years must:

- complete an abbreviated application form;
- pay the late renewal penalty fee;
- pay the current renewal fee;
- pay the current substance abuse monitoring surcharge, if required for the profession;
- pay the expired credential reissuance fee;
- satisfy other required competency requirements;
- provide a written declaration that no action has been taken by a state or federal jurisdiction or hospital, which would prevent or restrict the practitioner's practice of the profession;
- provide a written declaration that the person has not voluntarily given up any credential or privilege or has not been restricted in the practice of the profession in lieu of formal action;
- provide a written declaration that continuing education or competency requirements for the two most recent years have been met, if required;
- provide other written declarations or documentation, if required; and
- provide proof of AIDS education if required and not previously provided.

A home care aide whose certification has expired is subject to the following additional requirements:

- If the certification has been expired for less than three years, the home care aide must submit proof of 12 hours of continuing education for each year the certification has been expired.
- If the certification has been expired for three years or more, the practitioner must successfully repeat the training and examination requirements.

Summary of Bill:

I. Long Term Care Workers.

A. Training Requirements.

The amount of time allowed for most long-term care workers to meet minimum training requirements is extended from 120 days to 400 days after their hiring date.

B. Home Care Aide Certification.

A long-term care worker who is not certified as a home care aide within 200 days of being hired is allowed an additional 200 days to become certified. To qualify for the additional 200 days, the long-term care worker must have proof of five hours of initial training and proof of having begun 70 hours of long-term care basic training.

The skills demonstration portion of the home care aide examination is eliminated.

C. Background Checks.

Any time a long-term care worker leaves employment and is rehired by the same employer more than three months after the termination of the employment, the Department of Social and Health Services must conduct a new background check and make the information available to the employer, prospective employer, and others as authorized by law.

II. Nursing Assistants.

A long-term care worker in an approved nursing assistant training program must be certified as a nursing assistant within 400 days after the date of hire.

III. License Renewal and Reissuance of Expired Credentials.

The renewal cycle for home care aides, nursing assistants, and medication assistant endorsements is extended from one year to two years.

Beginning September 1, 2023, a person whose home care aide or nursing assistant credential has expired for more than six months but less than two years is exempt from the payment of any late renewal fee or current renewal fee if the person complies with all other certification requirements necessary to return to active status. The Department of Health (DOH) must notify all home care aides and nursing assistants who failed to renew after January 1, 2020, to inform them that their credential may be restored without financial penalty or renewal fee. For persons whose credentials expired since January 1, 2023, the DOH must allow six months to pass before sending the notification.

A person whose certification as a home care aide has been expired for five years or less may reinstate the person's credential if the person:

- completes an abbreviated application form;
- pays any necessary fees and expired credential reissuance fees, unless exempt;
- provides a written declaration that no action has been taken by a state or federal jurisdiction that would prevent or restrict the person from practicing as a home care aide;
- provides a written declaration that the person has not voluntarily given up any credential or privilege or has not been restricted from practicing as a home care aide in lieu of, or to avoid, formal action; and
- submits to a state and federal background check if the certification has been expired for more than one year.

If the certification has been expired for more than five years, the person must demonstrate competence and other requirements required by the Secretary of Health.

Appropriation: None.

Fiscal Note: Requested on January 24, 2023.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.